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| 10/596,232      | 06/05/2006  | David Loupia         | FR920030069US1      | 3810             |

45095 7590 05/11/2009  
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| EXAMINER |
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RECEK, JASON D

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| ART UNIT | PAPER NUMBER |
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2442

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05/11/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/596,232 | <b>Applicant(s)</b><br>LOUPIA, DAVID |  |
|                              | <b>Examiner</b><br>JASON RECEK       | <b>Art Unit</b><br>2442              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05 June 2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This is in response to application 10/596232 filed on June 5th 2006 in which claims 1-6 are presented for examination.

### ***Status of Claims***

Claims 1-6 are pending of which claims 1 and 4 are in independent form.

Claims 1 and 4 are currently objected to.

Claims 1-6 are currently rejected under 35 U.S.C. 112 second paragraph.

Claims 4-6 are currently rejected under 35 U.S.C. 101.

Claims 1-6 are currently rejected under 35 U.S.C. 103(a).

### ***Information Disclosure Statement***

1. The information disclosure statement filed 6/5/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Specification***

2. The abstract of the disclosure is objected to because the phrase "such a" on line 2 is misspelled. Also the term "Fig. 1" following the abstract should be removed. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: the phrase "such a the Internet" in line two is misspelled, however this language should be eliminated, see the 112 rejection below. The reference number "12)" in line 8 is missing a parenthesis. Appropriate correction is required.
2. Claim 4 is objected to because there is no punctuation after the word "comprises" in line 6.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 4, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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5. Claims 1 and 4 recited the term "this one" in the preamble. It is unclear what this term is referring to and therefore this term renders the claims indefinite.
6. Furthermore, Claim 1 recites the limitation "the new address" in line 11. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 2 recites "said new address (redirection)" however this is inconsistent with the language in claim 1 "new address redirection" it is not clear why the term redirection has been placed in parenthesis and therefore the claim is indefinite.
8. Claim 4 recites the limitation "the old point address" in line 11. There is insufficient antecedent basis for this limitation in the claim.
9. Claims 2-3 and 5-6 are rejected based on their dependency.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 4, it is directed to a system however it does not recite any physical hardware elements. The "checker" as recited by claim 4 can be construed as consisting entirely of software. Since the claim covers an embodiment that is purely software, it is not a "system" and thus it is not patentable subject matter. The system recited is not a particular machine, nor does it perform any particular transformation.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth et al. US 2004/0133656 A1 in view of Lewontin US 2005/0071419 A1.

Regarding claim 1, Butterworth discloses “redirecting a request for a web service in a data transmission network” (paragraph 45), “forwarding a request from the client to an old address of said web service” (paragraphs 13, 44), and “forwarding a second request from the client to the new address of said web service” (paragraph 58).

Butterworth does not explicitly disclose “sending back a message wherein the header ... contains the new address” however this is taught by Lewontin as including a web service address in a header (paragraph 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Butterworth to include the address passing feature of Lewontin for the purpose of redirecting web service requests. Lewontin suggests that by doing so web services can be provided from mobile devices (paragraphs 9-11).

Regarding claim 2, Butterworth discloses “new address ... is logged by said host” as storing an address in the form of a WSDL file (paragraphs 13-14).

Regarding claim 3, the combination of Butterworth and Lewontin does not explicitly disclose "a SOAP header tag "redirect"", however Butterworth does disclose using SOAP (Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to name a tag redirect. The SOAP specification provides header blocks. Redirecting requests is disclosed by the references. Thus naming a header tag redirect would have been obvious since that is the purpose of the message. This is similar to relaying a SOAP message, when doing so the SOAP specification provides for a header block that is aptly named relay.

Regarding claims 4-6, they are system claims that correspond to the method of claims 1-3 and thus are rejected for similar reasons.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mountain et al. US 2004/0128622 A1 discloses publishing the new address of a web service so that it can be accessed.

Knauerhase et al. US 2005/0021663 A1 discloses redirecting web service requests.

Perham et al. US 2005/0050228 A1 discloses using information in the SOAP header to execute a web service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/  
Examiner, Art Unit 2442  
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/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442



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